

9 FAM 42.32(d)(6)
Fourth preference special immigrants-
Certain juvenile court dependents.

(TL:VISA-175; 01-15-1998)

(TL:VISA-48; 10-1-91)

An alien shall be classifiable under INA 203(b)(4) as a special immigrant defined in INA 101(a)(27)(J) if the consular officer has received from INS an approved petition to accord such status, or an official notification of such an approval, and the consular officer is satisfied the alien is within the class described in that section.

9 FAM 42.32(d)(6) Related Statutory Provisions

INA 101(a)(27), in part

(TL:VISA-175; 01-15-1998)

(J) an immigrant *who is present in the United States—*

(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a state and who has been deemed eligible by that court for long-term foster care *due to abuse, neglect, or abandonment;*

(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; *and*

(iii) *in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status;*

Except that—

(I) *no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction;*

(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

[Amended by sec. 113 of Pub. L. 105-119; Nov. 26, 1997.]

(TL:VISA-48; 10-1-91)

For the provisions of INA 203(b)(4), see 9 FAM 42.32(d)(1) Related Statutory Provisions .

(TL:VISA-48; 10-1-91)

For the provisions of INA 204(a)(1)(E)(i), see 9 FAM 42.32(d)(1) Related Statutory Provisions .

INA 241(h)

(TL:VISA-55; 3-13-92)

Paragraphs (1)(A), (1)(B), (1)(C), (1)(D), or (3)(A) of subsection 241(a) (other than so much of paragraph (1) as relates to a ground of exclusion as described in paragraph (2) or (3) of section 212(a)) shall not apply to a special immigrant described in section 101(a)(27)(J) based upon circumstances that exist before the date the alien was provided such special immigrant status.